

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

PULTE HOMES OF NEW MEXICO,  
INC., a Michigan corporation; PULTE  
DEVELOPMENT NEW MEXICO, INC., a  
Michigan corporation,

Plaintiffs,

v.

CINCINNATI INDEMNITY COMPANY,  
an Ohio corporation; THE CINCINNATI  
INSURANCE COMPANY, an Ohio  
corporation; THE CINCINNATI  
CASUALTY COMPANY, an Ohio  
corporation; HDI GLOBAL SPECIALTY SE  
fka INTERNATIONAL INSURANCE OF  
HANNOVER, a New York corporation;  
SENTINEL INSURANCE COMPANY,  
LTD, a Connecticut corporation;  
GUIDEONE NATIONAL INSURANCE  
COMPANY, an Iowa corporation;  
COLORADO CASUALTY COMPANY, a  
New Hampshire corporation; OHIO  
SECURITY INSURANCE COMPANY, a  
New Hampshire corporation; DONEGAL  
MUTUAL INSURANCE COMPANY fka  
MOUNTAIN STATES MUTUAL  
CASUALTY COMPANY, a Pennsylvania  
corporation; ACE AMERICAN  
INSURANCE COMPANY, a Pennsylvania  
corporation; FIRST MERCURY  
INSURANCE COMPANY, a Delaware  
corporation; CENTURY SURETY  
COMPANY, an Ohio corporation; UNITED  
SPECIALTY INSURANCE COMPANY, a  
Delaware corporation; GEMINI  
INSURANCE COMPANY, a Delaware  
corporation; PELEUS INSURANCE  
COMPANY, a Virginia corporation;  
AMERICAN HALLMARK INSURANCE  
COMPANY OF TEXAS, a Texas  
corporation; CENTRAL MUTUAL  
INSURANCE COMPANY, an Ohio  
corporation; SOUTHERN INSURANCE

**CIVIL NO. 1:22-cv-00388-MV-SCY**

**STIPULATION TO DISMISS  
PLAINTIFFS' CLAIMS AGAINST  
DEFENDANT DONEGAL MUTUAL  
INSURANCE COMPANY fka  
MOUNTAIN STATES MUTUAL  
CASUALTY COMPANY (ECF 1) AND  
DEFENDANT'S COUNTER-CLAIM  
AGAINST PLAINTIFFS (ECF 76)**

COMPANY, a Texas corporation;  
NATIONAL FIRE INSURANCE  
COMPANY OF HARTFORD, an Illinois  
corporation; NATIONAL UNION FIRE  
INSURANCE COMPANY OF  
PITTSBURGH, PA, a Pennsylvania  
corporation; STARR INDEMNITY &  
LIABILITY COMPANY, a Texas  
corporation; ENDURANCE AMERICAN  
INSURANCE COMPANY, a Delaware  
corporation; CLARENDON NATIONAL  
INSURANCE COMPANY, as successor in  
interest by way of merger with Sussex  
Insurance Company fka as Companion  
Property and Casualty Insurance Company, a  
Texas corporation; KNIGHT SPECIALTY  
INSURANCE COMPANY, a Delaware  
corporation; FEDERATED MUTUAL  
INSURANCE COMPANY, a Minnesota  
corporation,

Defendants.

AND RELATED COUNTERCLAIM

**STIPULATION TO DISMISS PLAINTIFFS' CLAIMS AGAINST DEFENDANT  
DONEGAL MUTUAL INSURANCE COMPANY fka MOUNTAIN STATES MUTUAL  
CASUALTY COMPANY (ECF 1) AND DEFENDANT'S COUNTER-CLAIM AGAINST  
PLAINTIFFS (ECF 76)**

IT IS HEREBY STIPULATED by and between Plaintiffs PULTE HOMES OF NEW MEXICO, INC. and PULTE DEVELOPMENT NEW MEXICO, INC. ("Plaintiffs") and Defendant DONEGAL MUTUAL INSURANCE COMPANY fka MOUNTAIN STATES MUTUAL CASUALTY COMPANY, by and through their respective attorneys of record, that Plaintiffs' claims against Defendant DONEGAL MUTUAL INSURANCE COMPANY fka MOUNTAIN STATES MUTUAL CASUALTY COMPANY as asserted in Plaintiffs' Complaint (ECF 1) and any other claims that could have been asserted therein shall be dismissed with prejudice pursuant to FRCP 41(a)(1). Additionally, Defendant/Counter-Claimant DONEGAL MUTUAL INSURANCE COMPANY fka MOUNTAIN STATES MUTUAL

CASUALTY COMPANY's claims against Plaintiffs/Counter-Defendants PULTE HOMES OF NEW MEXICO, INC. and PULTE DEVELOPMENT NEW MEXICO, INC. in Counter-Claimant's Counterclaim for Declaratory Judgment (ECF 76) and any other claims that could have been asserted therein shall be dismissed with prejudice pursuant to FRCP 41(a)(1). Each party shall bear their own attorneys' fees and costs.

Dated: December 13, 2022

Dated: December 19, 2022

PAYNE & FEARS LLP

CRT LAW & PROFESSIONAL SERVICES,  
LLC

By: /s/ Sarah J. Odia  
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Insurance Company fka Mountain States  
Mutual Casualty Company

**CERTIFICATE OF SERVICE**

I hereby certify that on this 19<sup>th</sup> day of December, 2022, a true and correct copy of **STIPULATION TO DISMISS PLAINTIFFS' CLAIMS AGAINST DEFENDANT DONEGAL MUTUAL INSURANCE COMPANY fka MOUNTAIN STATES MUTUAL CASUALTY COMPANY (ECF 1) AND DEFENDANT'S COUNTER-CLAIM AGAINST PLAINTIFFS (ECF 76)** was served via the United States District Court CM/ECF system on all parties or persons requiring notice.

By /s/ Jennifer Stephens  
Jennifer Stephens, an Employee of  
PAYNE & FEARS LLP

4859-6582-0995.2